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Security Council Committee established pursuant to resolution 1737 (2006)

Note verbale dated 20 February 2007 from the Permanent Mission of Austria to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Austria to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1737 (2006) and, with reference to his note of 7 February 2007, has the honour to transmit the report pursuant to paragraph 19 of resolution 1737 (2006) on the steps taken by the Government of Austria with a view to implementing the relevant provisions of the above-mentioned resolution (see annex).

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Annex to the note verbale dated 20 February 2007 from the Permanent Mission of Austria to the United Nations addressed to the Chairman of the Committee

Security Council resolution 1737 (2006) Implementation by Austria

As a Member State of the European Union (EU), Austria implements the restrictive measures against Iran imposed by Security Council resolution 1737 (2006) by taking the following measures:

Firstly, through the following legal acts of the EU and/or the European Community (EC):

- a draft Common Position (EU) concerning restrictive measures against Iran, politically endorsed by the Council of the European Union on 12 February 2007;
- a Council Regulation (EC) to be adopted without delay;
- Council Regulation (EC) No. 1334/2000 of 22 June 2000 setting up a Community regime for the control of exports of dual-use items and technology.

Secondly, the competent Austrian authorities apply the following Austrian legislation in implementing the restrictive measures against Iran imposed by Security Council resolution 1737 (2006):

- With regard to the obligations contained in paragraphs 3 and 4 of Security Council resolution 1737 (2006) the legal basis for their implementation is a national authorization procedure established by the above-mentioned Council Regulations, the Foreign Trade Act (FTA, Federal Law Gazette I No. 50/2005 as amended) and the Foreign Trade Regulation (FTAR, Federal Law Gazette II No. 121/2006) as well as the War Materials Act (WMA, Federal Law Gazette I No. 57/2001 as amended). Non-compliance with the FTA or the WMA constitutes a criminal offence punishable with up to five years of imprisonment or payment of a fine of up to 360 daily rates.
- The obligations contained in paragraph 5 of Security Council resolution 1737 (2006) are being administered by the competent Austrian authorities in accordance with the above-mentioned Council Regulations and the FTA. With regard to the obligations contained in paragraph 5 (c) and (d) the legal basis for their implementation is Section 36 of the FTA.
- With regard to the obligations contained in paragraph 6 of Security Council resolution 1737 (2006) the legal basis for their implementation are the above-mentioned Council Regulations and Section 10 of the FTA.
- With regard to the obligation contained in paragraph 10 of Security Council resolution 1737 (2006) the Aliens Police Law (Federal Law Gazette I No. 157/2005 as amended) and the Law on Residence (Federal Law Gazette I No. 100/2005 as amended) empower the competent Austrian authorities to impose the appropriate travel or entry restrictions as well as to notify the Committee in accordance with this paragraph.

- With regard to the obligation contained in paragraph 12 of Security Council resolution 1737 (2006) the Austrian Exchange Control Act (Federal Law Gazette I No. 123/2003) stipulates that non-compliance with regulations of the European Community or relevant Austrian Federal Government regulations concerning the freezing of funds is a criminal offence punishable with up to one year of imprisonment.

- With regard to the obligation contained in paragraph 17 of Security Council resolution 1737 (2006) the Security Police Act (Federal Law Gazette No. 566/1991 as amended) provides for restrictive measures, in particular through an awareness programme, according to which universities and private research institutions engaged in sensitive nuclear activities are, on a regular basis, being contacted and their attention being drawn towards the risks of contributing to Iran's proliferation sensitive nuclear activities and development of nuclear weapon delivery systems.